

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOMINIQUE ZAFIR CASEY,  
Plaintiff,  
v.  
HADDAD, et al.,  
Defendants.

Case No. 1:21-cv-00855-NODJ-SKO (PC)  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
CERTAIN CLAIMS AND DEFENDANTS  
(ECF No. 28)

Plaintiff Dominique Zafir Casey is a state prisoner proceeding pro se in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 12, 2023, the assigned Magistrate Judge issued findings and recommendations, recommending (1) that this action proceed only on Plaintiff's Eighth Amendment excessive force claims against Defendants Castillo, Castro and Fernandez, and failure to intervene claims against Defendants Agatar and Haddad; (2) that Defendant John Doe be dismissed from the action; and (3) that any remaining claims in Plaintiff's first amended complaint be dismissed. (ECF No. 28.) The findings and recommendations were served on Plaintiff and provided Plaintiff 14 days to file objections thereto. (*Id.* at 2.) More than 14 days have elapsed, and no objections have been filed.

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1 The court presumes that any findings of fact are correct. *See Orand v. United States*,  
2 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed  
3 de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law  
4 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court  
5 . . . .”). Having reviewed the file, the court finds the findings and recommendations to be  
6 supported by the record and by the proper analysis.

7 Accordingly, it is HEREBY ORDERED that:

- 8 1. The findings and recommendations issued on December 12, 2023 (ECF No. 28) are  
9 adopted in full;
- 10 2. This action proceeds only on Plaintiff's Eighth Amendment excessive force claims  
11 against Defendants Castillo, Castro and Fernandez, and failure to intervene claims  
12 against Defendants Agatar and Haddad;
- 13 3. Defendant John Doe is dismissed from this action; and
- 14 4. Any remaining claims in Plaintiff's first amended complaint are dismissed.

15 DATED: January 18, 2024.

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18 CHIEF UNITED STATES DISTRICT JUDGE  
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